IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 665 OF 2006

The State of Maharashtra .. Appellant.

vs.

Dada Shankar Karade

& Ors. .. Respondents.

Mr. K.V. Saste, A.P.P. for the State.
Mr. R.S. Kate for Respondent Nos. 1 to 6.

Coram: J.N. PATEL &,
R.S. MOHITE, JJ.
Date: 18th January, 2007.

P.C.

. This is an appeal filed by the State for enhancement of sentence imposed by the IInd Ad-Hoc Additional Sessions Judge, Satara in Sessions Case No. 171/2004. By the impugned judgment and order the trial Court has convicted original accused nos. 3, 5, 8, 11 and 13 for committing various offences punishable under section 307 read with 149 IPC. The maximum sentence which has been given by the trial Court is of five years. The learned APP argues that the sentence is inadequate as a fracture was caused to the skull by an

axe. We find that this is not a fit case for enhancement of sentence. The facts of the case indicate that the quarrel and assault took place on the spur of the moment due to trivial incident. There was no pre-planning. The accused armed with an axe have not used the sharp side of the axe. The accused are agriculturists and shepherds.

2. In our view, this is not a fit case for enhancing sentence. Hence, the application is rejected.

(J.N. Patel, J.)

(R.S. Mohite, J.)